

1 ROBERT W. FREEMAN
Nevada Bar No. 3062
2 E-Mail: Robert.Freeman@lewisbrisbois.com
CHERYL A. GRAMES
3 Nevada Bar No. 12752
E-Mail: Cheryl.Grames@lewisbrisbois.com
4 SHIRLEY J. FOSTER
Nevada Bar No. 8069
5 E-mail: Shirley.Foster@lewisbrisbois.com
LEWIS BRISBOIS BISGAARD & SMITH LLP
6 6385 S. Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118
7 Telephone: (702) 893-3383
FAX: (702) 893-3789
8 *Attorneys for Defendant State Farm Fire and*
Casualty Company
9

10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA
12

13 MEGAN POTE, an individual;
14
15 Plaintiff,
16 vs.

17 STATE FARM FIRE AND CASUALTY
COMPANY, a foreign corporation, and ROE
18 LEGAL ENTITIES I-V,
19 Defendants.

CASE NO. 2:20-cv-01970-APG-VCF

**STIPULATION AND ORDER TO
EXTEND THE DEADLINE TO FILE
DISPOSITIVE MOTIONS**

FIRST REQUEST

20 Pursuant to LR 6-1 and LR 26-3, the parties, by and through their respective counsel of
21 record, hereby stipulate and request that this Court extend the deadline to file dispositive motions
22 in the above-captioned case thirty (30) days, up to and including Wednesday, July 6, 2022. In
23 addition, the parties request that all other future deadlines contemplated by the Discovery Plan and
24 Scheduling Order be extended pursuant to Local Rule. In support of this Stipulation and Request,
25 the parties state as follows:

- 26 1. On July 20, 2020, Plaintiff filed her First Amended Complaint in Eighth Judicial
27 District Court, Nevada.
28 2. On September 17, 2020, Defendant filed its Answer to First Amended Complaint in

District Court.

3. On October 23, 2020, Defendant Removed the action to U.S. District Court.

4. On December 7, 2020 the parties conducted an initial FRCP 26(f) conference

5. On September 17, 2020, Plaintiff served its FRCP 26 Initial Disclosures on Defendant.

6. On December 14, 2020, Defendant served her FRCP 26 Initial Disclosures on Plaintiff.

7. On December 22, 2020, the Court entered the Stipulated Discovery Order.

8. On January 5, 2021, Defendant served written discovery on Plaintiff. Plaintiff served her Responses on February 8, 2021.

9. On or about March 10, 2021, Defendant served records subpoenas on Plaintiff's treatment providers.

10. On March 30, 2021, Plaintiff served written discovery on Defendant. Defendant served its responses on April 29, 2021.

11. On May 14, 2021, Defendant served a supplement to its FRCP 26 Initial Disclosures of the medical records and bills it has received to that date as responses to its records subpoenas.

12. On August 5, 2021, Defendant deposed Plaintiff.

13. On September 3, 2021, Plaintiff underwent an Independent Medical Evaluation in Tacoma, Washington.

14. On February 4, 2022, the parties served their initial designations of expert witnesses.

DISCOVERY REMAINING

Discovery has closed, and the parties do not seek its reopening.

EXTENSION OR MODIFICATION OF THE DISCOVERY PLAN AND SCHEDULING

ORDER

The parties diligently conducted discovery, including disclosing documents, responding to written discovery, deposing Plaintiff, and designating initial expert witnesses. Since then, counsel

1 have been engaged in discussions regarding a resolution absent either party incurring additional
2 costs. To that end, the parties respectfully request a brief extension of thirty (30) days to enable
3 further discussions to ensue so as to avoid incurring additional costs of dispositive motion practice
4 if possible.

5 LR 26-3 governs modifications or extension of the Discovery Plan and Scheduling Order.
6 Any stipulation or motion to extend or modify that Discovery Plan and Scheduling Order must be
7 made no later than twenty-one (21) days before the expiration of the subject deadline and must
8 comply fully with LR 26-3. Requests made after this time period must be the result of excusable
9 neglect.

10 Here, this Request for an extension of time is not sought for any improper purpose or other
11 purpose of delay, but rather as a result of a continued efforts at resolution in a manner that lowers
12 both parties' litigation costs. Vacation and trial schedules have led to these discussions running
13 past the dispositive motion deadline. As such, the parties submit that good cause and excusable
14 neglect exist for this brief extension of thirty days.

15 WHEREFORE, the parties respectfully request that this Court extend the time for the
16 parties to file their dispositive motions by thirty (30) days from the current deadline of June 6,
17 2022 up to and including July 6, 2022. Accordingly, the parties also request that the deadline to
18 file the parties' Joint Pretrial Order is also extended by thirty days to August 4, 2022.

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 If dispositive motions are pending, the parties will file their joint pretrial order within thirty
2 days of the Court's order as to those motions.

3 Dated this 6th day of June 2022.

Dated this 6th day of June, 2022.

4 LEWIS BRISBOIS BISGAARD & SMITH LLP

VAN LAW FIRM

5
6 /s/ Cheryl A. Grames

7 ROBERT W. FREEMAN

8 Nevada Bar No. 3062

9 CHERYL A. GRAMES

10 Nevada Bar No. 12752

11 SHIRLEY J. FOSTER

12 Nevada Bar No. 8069

13 6385 S. Rainbow Boulevard, Suite 600

14 Las Vegas, Nevada 89118

15 *Attorneys for Defendant State Farm Fire and*
16 *Casualty Company*

/s/Kristine Maxwell

SANDY VAN

Nevada Bar No. 10785

KRISTINE MAXWELL

Nevada Bar No. 9860

1290 S. Jones Blvd.

Las Vegas, NV 89146

Tel: (702) 529-1011

Attorneys for Plaintiff Megan Pote

17 **ORDER**

18 IT IS SO ORDERED.

19 Dated this 8th day of June 2022.

20
21 
22
23
24
25
26
27
28 U.S. MAGISTRATE JUDGE